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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARYLAND CASUALTY COMPANY and
ASSURANCE COMPANY OF AMERICA,

Plaintiffs,

vs.

TRANSPORTATION INSURANCE
COMPANY, VALLEY FORGE INSURANCE
COMPANY, CONTINENTAL INSURANCE
COMPANY, TRANSCONTINENTAL
INSURANCE COMPANY, and DOES 1-20,
INCLUSIVE,

Defendants.

CASE No: 2:08-cv-01040-LRH-LRL

**STIPULATION FOR ENTRY OF
ORDER TO CONTINUE THE
DEADLINE TO FILE DISPOSITIVE
MOTIONS FOR AN ADDITIONAL
THIRTY-TWO (32) DAYS
FIRST REQUEST¹ ; ORDER**

Plaintiffs Maryland Casualty Co. and Assurance Company of America (collectively “Plaintiffs”) and Defendants Transportation Insurance Co., Valley Forge Insurance Co., Continental Insurance Co., and National Fire Insurance Co. of Hartford, as successor by merger to Transcontinental Insurance Co. (collectively “Defendants”) hereby stipulate to the entry of an order extending the deadline to file dispositive Motions by thirty-two (32) days, thereby moving said

¹ While the parties have made one request to continue the discovery deadline for ninety (90) days, and therefore the deadline to file dispositive motions, this is the first stipulation to only extend the deadline to file dispositive motions.

1 deadline from Thursday, September 10, 2009 to Monday, October 12, 2009.

2 **I.**

3 **BRIEF SUMMARY OF PLAINTIFFS' ALLEGATIONS**

4 Plaintiffs were the direct insurers that funded the defense of the developer and general
5 contractor in the underlying construction defect litigation that was pending before Eighth Judicial
6 District Court. Defendants were the direct insurers of subcontractors that were involved in the
7 underlying construction defect litigation. Plaintiffs claim that the developer and general contractor
8 were additional insured's under the policies issued to the subcontractors by the Defendants, and
9 therefore owed a duty to defend and indemnify developer and general contractor. Defendants deny
10 Plaintiffs' allegations on a number of bases, including the contention that the defense obligation
11 owing under the policies Defendants issued is excess to other available insurance, and is therefore
12 excess to the insurance afforded by Plaintiffs.
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15 **II.**

16 **REASONS WHY THE DEADLINE TO FILE DISPOSITIVE MOTIONS SHOULD BE**
17 **EXTENDED FOR AN ADDITIONAL THIRTY-TWO (32) DAYS**

18 While discovery is now closed, Plaintiffs produced numerous volumes of documents during
19 the course of discovery. To allow Defense counsel complete their analysis of the documents
20 exchanged and for the parties to further explore the potential for a stipulation to facts to simplify
21 cross-motions for summary judgment, the parties stipulate to the entry of an Order extending the
22 deadline for dispositive Motions for an additional thirty-two (32) days.
23
24

25 **III.**

26 **PROPOSED SCHEDULE FOR FILING DISPOSTIVE MOTIONS AND THE JOINT**
27 **PRE-TRIAL ORDER**

28 The Parties propose the following scheduling Order:

(a) Dispositive Motions: That the current deadline for filing dispositive Motions of Thursday, September 10, 2009 be extended for an additional thirty-two (32) days to **Monday, October 12, 2009**.

(b) Pretrial Order: In light of the fact that at least one Motion for Summary Judgment will be filed, the deadline for filing the Pre-Trial Order will be suspended until 30 days after the filing of an Order deciding the dispositive Motion(s).

Date: August 27, 2009

Date: August 27, 2009

MORALES FIERRO & REEVES

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/s/ William Reeves

/s/ Seetal Tejura

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INSURANCE COMPANY, VALLEY FORGE

INSURANCE COMPANY, CONTINENTAL

CASUALTY COMPANY, and NATIONAL

FIRE INSURANCE COMPANY OF

HARTFORD, SUCCESSOR BY MERGER TO

TRANSCONTINENTAL INSURANCE

COMPANY

Attorneys for Plaintiffs

MARYLAND CASUALTY COMPANY

and ASSURANCE COMPANY OF

AMERICA

ORDER

IT IS ORDERED THAT the above proposed deadlines are hereby adopted.

Dated: August 31, 2009.



LARRY R. HICKS

UNITED STATES DISTRICT JUDGE